

IN THE UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF ARKANSAS
HARRISON DIVISION

MICHAEL S. GRIFFIS

PLAINTIFF

v.

Civil No. 05-3040

SHERIFF CHUCK MEDFORD;
LT. BETH REELY; JIMMY
KEELAND; MICHAEL BROWN;
PETE MOSS; JACK GENTRY;
GEORGE JEFFREY; MARK LOTTA;
DR. THERESA FARROW; DR.
DONALD CLAY; and SHELIA M.
HOWERTON

DEFENDANTS

ORDER

On November 2, 2006, a motion to strike, or alternative objection to, interrogatories was filed on behalf of the Carroll County Defendants (Doc. 65). In the motion, the Carroll County defendants indicate they have received the following sets of interrogatories: (1) a set on August 7th consisting of 9 questions directed to all the defendants which they responded to on September 8th; (2) a set on September 22, 2006, consisting of 10 interrogatories directed to Sheriff Medford, 10 interrogatories to Rob McGee (not a named defendant), and 10 interrogatories to Judy Suchland (not a named defendant); (3) a set on September 28th consisting of 30 interrogatories directed to Defendant Medford, 20 to Defendant Reely, 22 directed to Defendant Lott, 23 directed to Defendant Brown, 5 directed to Ralph Gordon (not a named defendant), 24 directed to Judy Suchland (not a named defendant), 14 to Defendant Howerton, 8 to Rob McGee (not a named defendant), and 9 to Defendant Keeland; (4) a set on October 11th consisting of 15 interrogatories directed to Defendant Medford, 8 directed to Defendant

Howerton, 7 directed to Defendant Lott, 8 directed to Defendant Brown, 6 directed to McGee (not a named defendant), 6 directed to Defendant Reely, and 3 to Gordon (not a named party); and (5) a set of interrogatories received on October 25th, 15 directed to Brandon Doe (not a defendant), 25 to Debbie Davis (not a defendant) and Amanda Doe (not a defendant), and 7 to Dave Henderson (not a defendant).

In the motion to strike, the Carroll County defendants note that plaintiff has exceeded the permitted number of interrogatories to Defendants Medford, Lott and Reely. They ask that the interrogatories be stricken as being non-compliant with Rule 33(a) of the Federal Rules of Civil Procedure. Alternatively, they ask that plaintiff be required to reduce the number of interrogatories propounded to any defendant to no more than 25.

The motion (Doc. 65) is granted. Defendants Medford, Lott, and Reely will not be required to respond to the interrogatories served on them by the plaintiff. Instead, plaintiff is directed to either submit a new set of interrogatories to Defendants Medford, Lott, and Reely not exceeding twenty-five in number, including all discrete sub-parts, or identify for Defendants Medford, Lott, and Reely, the twenty-five interrogatories of those he has propounded he desires Defendants Medford, Lott, and Reely, to respond to. In doing so, plaintiff is reminded that he has already propounded 9 interrogatories to the defendants and they have responded to those interrogatories.

As defendants correctly note, Jody Suchland, Debbie Davis, Rob McGee, Ralph Gordon, Dave Henderson, Brandon Doe, and Amanda Doe are not defendants in this case. These individuals were not included in the court's order allowing the plaintiff to add defendants (Doc. 23) nor did the court's order of service direct service on these individuals (Doc. 24). Further,

plaintiff's proposed amended complaints submitted with his motions to amend (Doc. 17 & Doc. 20) contained no substantive allegations against these individuals.

IT IS SO ORDERED this 14th day of November 2006.

/s/ Beverly Stites Jones
UNITED STATES MAGISTRATE JUDGE